

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SPENCER LONG,	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	No. 17-4288
	:	
CITY OF PHILADELPHIA, <u>et al.</u> ,	:	
Respondents.	:	
	:	

**ORDER**

**AND NOW**, this 17<sup>th</sup> day of January, 2018, upon careful and independent consideration of the petition for writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Timothy R. Rice, it is hereby **ORDERED** that:

1. Petitioner's objections are **OVERRULED**;<sup>1</sup>
2. The Report and Recommendation (Doc. No. 6) is **APPROVED** and **ADOPTED**;
3. The petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE** as unexhausted;
4. There is no probable cause to issue a certificate of appealability; and
5. The Clerk of Court is directed to mark this case **CLOSED**.

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<sup>1</sup> I received a letter from Petitioner on January 9, 2018 asking that I direct the Philadelphia Court of Common Pleas to either send him to a mental health hospital or dismiss his case. Petitioner also asks that I review his state case to determine whether his competency to stand trial should have been addressed prior to or during trial. (Doc. No. 7.) To the extent Petitioner's letter may be construed as containing objections to the Report and Recommendation, he does not raise any new issues, and I agree with the Magistrate Judge that Petitioner has failed to present his habeas claim to the state court.

**BY THE COURT:**

/s Mitchell S. Goldberg

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**MITCHELL S. GOLDBERG, J.**